

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

ROBERT RAFFO and  
DANIEL CURRAN,  
Individually and on Behalf of All  
Other Persons Similarly Situated,

Plaintiffs,

v.

Case No. 8:22-cv-1999-TPB-CPT

OS RESTAURANT SERVICES, LLC  
and BLOOMIN' BRANDS, INC.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on consideration of the report and recommendation of Christopher P. Tuite, United States Magistrate Judge, entered on August 1, 2023. (Doc. 41). Judge Tuite recommends that “Plaintiffs’ Unopposed Motion to Conditionally Certify an FLSA Collective Action and Authorize Notice” (Doc. 29) be granted in part and denied in part. The parties did not object, and the time to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must “make a de novo determination of those portions of the [report and

recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, the Court adopts the report and recommendation. The Court agrees with Judge Tuite’s detailed and well-reasoned findings and conclusions. Consequently, the motion is granted in part and denied in part.

Accordingly, it is

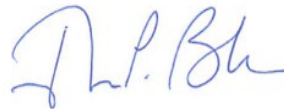
**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Tuite’s report and recommendation (Doc. 41) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) “Plaintiffs’ Unopposed Motion to Conditionally Certify an FLSA Collective Action and Authorize Notice” (Doc. 29) is hereby **GRANTED IN PART** and **DENIED IN PART**.
- (3) The Court conditionally certifies an FLSA collective consisting of all exempt-classified employees who performed the duties of Kitchen Manager and Front of House Manager at any Carrabba’s location in the United States during the three-year period measured from the date the notices to the potential members are sent and extending to the present. The Court is not making any determination as to whether any FLSA violations committed by

Defendants were willful or whether a three-year limitation period applies in this case.

- (4) Defendants are required to produce in electronic or computer-readable format the full name, physical address(es), and personal email address(es) for each potential member of the collective.
- (5) The Court approves the notice and “Consent to Join” form that were attached as Exhibits A and B to Plaintiffs’ motion, with the exception that the three-year period shall be measured from the date the notice is sent to the putative members of the collective.
- (6) The parties are directed to disseminate the notices by U.S. Mail, email, and via website (returnable via mail, email, fax, or via website).

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 16th day of August, 2023.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**